Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Vanuatu

Addendum

Information provided by Vanuatu in follow-up to the concluding observations*

1. The concluding observations to be reported on are 21 (a), (b), (c) and 37 (see CEDAW/C/VUT/CO/4-5).

To ensure that women who are victims of domestic violence have full access to protection orders and legal remedies (para 21 (a))

2. The Government implementation of the Family Protection Act of 2008 (FPA) has been progressed through the application of the protection order by the Courts through the legal assistance and advice provided by the Vanuatu Women's Centre (VWC).

3. The decentralization of the VWC to the Provinces of Tafea and Sanma has been an achievement with the assistance of development partners. Counselling centers are established for women who are victims of domestic violence in the main urban dwellers and the proximity of counselling centers to the three Provincial Centre.

4. The implementation of FPA 2008 has been reviewed in regards to the referral mechanism that is statutory framed under the Act. The appointment of Authorised Person and Registered Counsellor under the Act were purposively to provide the referral and given a judicial power to grant protection orders. These have been considered by the Committee in the Country respond to the list of issues received.

5. The Government has continue to run research and piloting project this year with the support of the Australian Government.

6. In 2014, the Ministry requested the Program's assistance in implementing a pilot of the provisions of the Family Protection Act 2008 ("FPA") relating to Authorised Persons and Registered Counsellors. In collaboration with the Ministry, the Program has undertaken work in scoping and understanding the two roles.

* The present document is being issued without formal editing.

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7. Through this partnership, an extensive amount of knowledge has been gained in respect of the complexities of the Registered Counsellor and Authorised Person roles; the risks involved in any implementation; and the essential components of a pilot.

8. In late 2016 the Ministry confirmed its desire to proceed with a pilot of the Authorised Persons and Registered Counsellors ("the Pilot") and for the Program to provide dedicated staffing and coordination to support the pilot. At this point, an approach to the Pilot was agreed in principle.

9. The Program has now established a staffing team — the 'Community Services and Access to Justice Unit' — to plan, coordinate and lead the implementation of the Pilot on behalf of and in collaboration with the Ministry. Given the complex nature of the Pilot, and the level of risk involved, this requires mutual agreement and a clear articulation of each party's responsibilities.

10. In early 2017, the Ministry for Justice and Community Services (MJCS) in Vanuatu entered into an MOU with local NGO Australian Aid-funded program Stretem Rod Blong Jastis Mo Sefti to support the implementation of provisions of the Family Protection Act 2008 relating to Authorised Persons and Registered Counsellors. Implementation of these provisions has commenced by way of a small, careful pilot project.

11. By way of brief overview, 12 Authorised Persons and 7 Registered Counsellors have been appointed to issue temporary protection orders and conduct counselling in situations of domestic violence in the following six pilot communities:

- Paunangisu (North Efate);
- Tokyo Buninga (Port Vila, Efate);
- Ohlen Matakeru (Port Vila, Eftate);
- South Santo (Santo);
- Fanafo Stone-Hill (Santo);
- Matantas and Malau (Santo).

12. Due to the complex nature of lay people in communities (some of which with very little access to state justice services) being asked to intervene at points of crisis in domestic violence issues, there is a need to ensure a collaborative approach to the piloting with key government and NGO partners taking active responsibility for aspects of implementation.

13. To achieve this, an implementation partnership group (IPG) has been established with the following key partners: MJCS, SRBJS, Department of Women's Affairs, Vanuatu Police Force, Department of Local Authorities and the Vanuatu Women's Centre. The implementation partnership group will meet monthly throughout the piloting.

14. In addition, to mitigate potential safety risks the pilot will also seek to ensure a regular police presence in the more remote pilot communities on Santo through the trialing of 'police rotations', which will see uniformed police officers in each community for approximately one week out of every six weeks throughout the duration of the pilot.

15. The progress of the piloting project this year has resulted in the following achievement:

- Drafting, review and translation of a handbook for Authorised Persons;
- Finalization of the selection of Authorised Persons and Registered Counsellors and their jurisdictions;

- The appointment of Authorised Persons by His Excellency, the President of the Republic of Vanuatu with the recommendation of the Judicial Services Commission;
- Entering into an MOU with the Vanuatu Police Force in relation to their role in the pilot project;
- Conducting community awareness in pilot communities about the role of Authorised Persons and Registered Counsellors in their communities, and also about the definition and nature of domestic violence more generally.

16. Given the momentum of the pilot project, it is expected the success and outcome will be replicated through more quickly in the province of Vanuatu.

To provide assistance to victims of gender-based violence, including medical and psychological support and shelter, counselling and rehabilitation services, throughout its territory (para 21 (b))

17. The prevalence Study of 2010 by the Vanuatu Women's Centre in partnership with Vanuatu Government showed that violence against women and children is widespread in Vanuatu with 60 per cent of women experiencing physical and/or sexual violence by an intimate partner in their lifetime.

18. The Vanuatu Women's Centre established in 1994 has been collaborating with government, non-Government agencies, and development partners, civil and community based organizations -and private sector institutions in advocating for prevention against Gender Based Violence in communities throughout Vanuatu. Through Pacific Women Shaping Pacific Development (Pacific Women), Australia has provided $800,000 to the Vanuatu Women's Centre (VWC) to prevent violence against women through provision of safe-house costs, expansion of services and research on violence against women.

19. In addition to the national center in Port Vila and four branches in different provinces, VWC's national network includes 42 active island-based committees against violence against women (CAVAWs). CAVAWs undertake community awareness and assist women and children living with violence in remote communities. The four years (2012–2016) has seen different services provided by VWC and its four (4) branches and CAVAWs to support victims of gender-based violence.

Counseling and Psychological Support

20. A total of 2,417 counseling and psychological support services were provided by VWC to women and children, 81 Girls under 17 years of age and 12 boys under the age of 18 on cases of Domestic violence, child maintenance, Family maintenance, Child abuse, Physical assault, Sexual assault and Sexual harassment.

21. For repeat clients, a total of 4,901 services were provided to women and children, 94 Girls under years of age and 6 boys under the age of 18 on cases of Domestic violence, child maintenance, Family maintenance, Child abuse, Physical assault, Sexual assault and Sexual harassment.

22. Therefore a total of 15,676 clients were offered counseling services in the four years.

Requesting information on VWC's services

23. A total of 9,909 have requested information from VWC and its networks throughout the provinces.

Cases reported to the Police

24. A total of 1,809 cases reported to the Police by the Centre and its networks.

Legal Assistance

25. A total of 720 clients were assisted by the center and 68 cases were registered in court.

Court Fees Fund

26. A total of 765 clients were assisted through the court fees fund for things such as medical expenses, civil claims and Child custody.

27. The other institutions providing assistance to victims of GBV are the Police Force through the Family Protection Unit, Criminal Records Office, Public Solicitor's Office, Supreme Court, Island courts, Magistrates Courts and through Hospital and Health centers.

To ensure that perpetrators are prosecuted and adequately punished with sentences that are commensurate with the seriousness of their crimes, in accordance with the Committee's general recommendation No. 19 (1992) on violence against women (para 21 (c))

28. The Government has amend the Penal Code through the Penal Code (Amendment) Act No 15 of 2016. The amendment reflect the intention of Government in increasing all gender related offences, particularly sexual related offence.

29. The particulars of the amendment are as follows:

- Section 92: Abduction maximum penalty to be increase from 10 - 12 years' imprisonment and insert of subsection on abduction of girls under 18 years old for maximum penalty of 7 years imprisonment;
- Section 95: Incest penalty increase from 10 years to 15 years and inserting a clause on female or male victim under 13 years and penalty provision of imprisonment for life;
- Section 97(1): Unlawful Sexual intercourse with female or male under 13 years old. Maximum penalties increase to life imprisonment;
- Section 97 (2): Unlawful sexual intercourse with female or male above 13 years old and below the age 15 years maximum penalties provision to increase from 5 years–15 years' imprisonment;
- Section 107 Intentional assault penalties increase under subsection:
    - No physical damage caused penalty from 3 months–1 year imprisonment;
    - Damage of temporary nature from 1 year–5 years' imprisonment and order of restitution of damages;
    - Insert new subsection: Damages of permanent injury for imprisonment of 10 years and order of restitution of damages;
    - Damage caused result in death penalty increase from 10 years–14 years imprisonment.

30. Proposed increase in maximum penalty under section 92, 95, 97(1) (2) and 107 emanate on the two primary issues, firstly, on the role of the Government in elevating the penalties to create a flood gate, combating the rise of all sexual related offence (morality crime) and intentional assault. Secondly, the amendment affirm the

legislatures duty in assisting the Judiciary (Courts) in assuring that justice is served through imposing of a fair and appropriate sentences according to the elements of offences.

31. The amendment has been applied by the supreme courts in 2017, setting new precedent and has result in landmark sentence of all sexual relation offence.

The Committee recommends that the State party ensure that women, including those living on the outer islands, are included and may actively participate in planning, decision-making and implementation processes concerning disaster risk reduction, post-disaster management and climate change policies (para 37)

32. Under National Climate Change and Disaster Risk Reduction Policy 2016 -2030 and National Disaster Act Cap 267, women are represented in the Disaster Management Committee and the Director, Department of Women's Affairs is a member of the National Advisory Board (NAB) on Climate Change and Disaster Risk Reduction (CCDRR) and ensures that all policies, projects and programs relating to Climate change are shared through the women's networks and are gender sensitive and promotes women's participation and leadership in the implementation processes of these projects.

33. Under NDMO Special Operating Procedures (SOP), Gender and Protection Cluster is an established National Cluster system at the national level since 2016.

34. The submission of community projects to NAB is inclusive of Gender guidelines through Provincial Disaster Committee (PDCs).

35. Women are represented in all the 42 Community Disaster Committee on Climate Change (CDCCC) throughout the all the Provinces.

36. Women are also represented within the different Committees of different community projects under NAB supervision such as water project and Coastal marine management projects.

37. Women make up 30 per cent of national delegation to the annual Conference of the Parties Meetings (COP) under the United Nations Framework on the Framework on Climate Change Convention (UNFCCC) since 2014.

38. Establishment of Provincial Gender and Protection Clusters roll out in 2018 to all provinces throughout Vanuatu.

39. The Council of Minister's Decision of June, 2017 now see the introduction of Gender Responsive Planning and Budgeting into the Ministry of Climate Change budget of 2018.

40. The allocation of 158 million Vatu to the National Gender and Protection Cluster has witnessed support of partners and stakeholders to Government on mainstreaming Gender and Social Inclusion into national recovery and reconstruction efforts after TC Pam in 2015.

41. Gender and Protection Cluster is represented in all multi-sectorial Assessment teams during and post disasters and emergencies.